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MAR 19 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho MAR 16 2012 _____ Clerk _____ Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
_____	)	WATER RIGHT NO.: 37-82

I. FINDINGS OF FACT

A claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by Tom O'Gara, John Stevenson, Bill Molyneux, Pete Van Der Muelen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso-Harris, Big Wood Canal Company, (hereafter Concerned Water Users) and Lane Ranch Homeowners Association, Inc. The Concerned Water Users filed an *Amended Objection* on November 21, 2008. The *Objections* were resolved on March 9, 2012 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

The court notes that this water right and its source were intentionally omitted from the separate streams list in 00-92037G3. However, in order to resolve this subcase, a remark was included in the *Partial Decree* explaining that this right would effectively be administered separately from the Big Wood River.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: March 16, 2012.



BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

DISTRICT OF THE
TWIN FALLS
MAR 16 2012

By _____ Clerk

Deputy Clerk

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PURPOSE AND PERIOD OF USE (continued)

Aesthetic	01-01 TO 12-31	1.20	CFS
Wildlife Storage	01-01 TO 12-31	2.10	AFY
Recreation Storage	01-01 TO 12-31	2.10	AFY
Aesthetic Storage	01-01 TO 12-31	2.10	AFY

PLACE OF USE:

Irrigation		Within Blaine County
T04N R18E S19	NESE 7.1	SWSE 4.5
	SESE 26.0	
S20	NWSW 4.4	SWSW 5.6
S29	NWNW 8.6	
S30	NENE 26.0	
82.2 Acres Total		

Wildlife		Within Blaine County
T04N R18E S19	NESE	SESE
S30	NENE	

Wildlife Storage		Within Blaine County
T04N R18E S30	SENE	

Recreation		Within Blaine County
T04N R18E S19	NESE	SESE
S30	NENE	

Recreation Storage		Within Blaine County
T04N R18E S30	SENE	

Aesthetic		Within Blaine County
T04N R18E S19	NESE	SESE
S30	NENE	

Aesthetic Storage		Within Blaine County
T04N R18E S30	SENE	

Right Nos. 37-81, 37-82 and 37-2635 are limited to the irrigation of a combined total of 23.3 acres in a single irrigation season. This right is limited to the irrigation of 23.3 acres within the place of use described above in a single irrigation season.

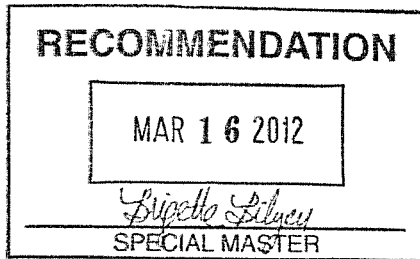
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Prior to diversion of water, flow measuring devices as specified by the department &/or watermaster shall be installed by the right holder at the following locations: a) at the point where water is diverted from the Big Wood River and rediverted from Elkhorn Creek and b) at a point on the downstream side of the bridge over Elkhorn Creek where water diverted under right nos. 37-81, 37-82, 37-2635, 37-4016 and 37-7201 flows out of the pond or wetland area subject of Transfer No. 3881 located in the NESENE S30 T04N, R18E.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

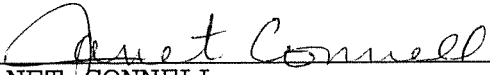
Water Right(s): 37-00082

On March 16, 2012, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 16, 2012.


JANET CONNELL
Deputy Clerk

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 37-00082

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 16, 2012, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

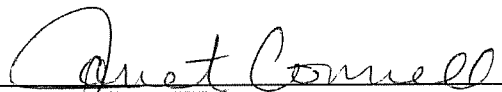
CERTIFICATE OF MAILING

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IDAHO FOUNDATION FOR
Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

BIG WOOD CANAL COMPANY
Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

LANE RANCH HOMEOWNERS ASSN INC
Represented by:
JOHN E. ROBERTSON
PO BOX 1906
TWIN FALLS, ID 83303
Phone: 208-933-0700



JANET CONNELL
Deputy Clerk